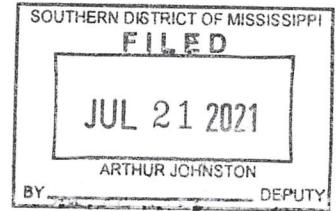


IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF MISSISSIPPI  
HATTIESBURG DIVISION



NELSON WELLS

VS.

CIVIL ACTION NO. 2:21cv100-TBM-RPM

UNITED SERVICES AUTOMOBILE  
ASSOCIATION; AND JOHN DOES  
1-5

PLAINTIFF

DEFENDANTS

**COMPLAINT  
(JURY TRIAL REQUESTED)**

COMES NOW Nelson Wells (hereafter "Mr. Wells"), the Plaintiff, by and through his attorney(s) of record, and files this Complaint as follows:

**I. PARTIES**

1. Mr. Wells is an adult resident citizen of Forrest County, Mississippi and presently resides at 11 Lou Circle, Petal, Mississippi 39465.

2. Defendant, United Services Automobile Association (hereafter "Defendant USAA"), is a foreign corporation organized under the laws of a State other than Mississippi but that is doing business in the State of Mississippi and that may be served with the process of this Court through its agent of process as well as its statutorily designated agent, Mike Chaney, Mississippi Commissioner of Insurance, located at 1001 Woolfolk State Office Building, 501 North West Street, Jackson, Mississippi 39201.

3. John Does 1-5, are the owners, operators, managers, and all other entities, corporate and/or individuals, of the vehicle that was being operated by underinsured driver Tiffany Danielle Browning, at the time of the complained of incident and who were in some manner negligently

and proximately responsible for the events and happenings alleged in this Complaint and for Mr. Wells's injuries and damages.

**II. JURISDICTION**

5. This Court has jurisdiction over the subject matter of this civil action pursuant to 28 U.S.C. § 1332 as it is between citizens of different states.

**III. VENUE**

6. Venue is proper as this civil action arises out of negligent acts and omissions committed in Forrest County, Mississippi and the cause of action alleged in this Complaint occurred and accrued in Forrest County, Mississippi.

**IV. FACTS**

7. Mr. Wells adopts and herein incorporates by reference each and every allegation as set forth above.

8. On or about June 21, 2020, Mr. Wells was driving a vehicle northbound in a lawful and prudent manner on Leeville Road at the intersection of Evelyn Gandy Parkway in Forrest County, Mississippi.

9. At the same time that Mr. Wells was driving a vehicle in a lawful and prudent manner, Tiffany Browning, was driving westbound on Evelyn Gandy Parkway in the same vicinity in Forrest County, Mississippi.

**COUNT ONE – NEGLIGENCE OF TIFFANY BROWNING**

10. Mr. Wells adopts and herein incorporates by reference each and every allegation as set forth above.

11. Tiffany Browning, recklessly, carelessly, and negligently failed to stop for the traffic signal at the intersection of Leeville Road and Evelyn Gandy Parkway causing a collision between her vehicle and the vehicle of Mr. Wells.

12. The collision was caused by the recklessness, carelessness, and negligence of Tiffany Browning, for that among other acts, Tiffany Browning:

- (A) Operated her vehicle at a high rate of speed under the circumstances then and there existing;
- (B) Failed to reduce her speed to avoid a collision;
- (C) Failed to observe due care and precaution and to maintain proper and adequate control of her motor vehicle;
- (D) Failed to keep a proper lookout for other vehicles;
- (E) Failed to exercise reasonable care in the operation of the motor vehicle she was operating under the circumstances then and there existing at the time of the collision
- (F) Failed to yield the right of way and adhere to rules of the road;
- (G) Committed other acts of negligence that will be proven at the trial of this cause.

12. As a direct and proximate result of the negligence of Tiffany Browning, as set forth above, Mr. Wells sustained damages that may include, but are not necessarily limited to, serious physical injuries; past, present, and future pain and suffering; past, present and future medical expenses; lost wages; loss of wage earning capacity (loss of future wages) and other damages that will be proved at the trial of this matter.

**COUNT TWO – UNINSURED MOTORIST CLAIM AGAINST  
UNITED SERVICES AUTOMOBILE ASSOCIATION**

13. Mr. Wells adopts and herein incorporates by reference each and every allegation as set forth above.

14. Prior to the time of the subject incident, Defendant USAA, issued an insurance policy, policy number 01357 21 95U 7103 9 with effective dates of June 9, 2020 through July 26, 2020 (hereafter “the insurance policy”). A copy of the insurance policy in Mr. Wells’s possession has been attached as Exhibit “1” to this Complaint. It is believed that the Defendant USAA, does possess the original of the insurance policy.

15. The insurance policy issued by Defendant USAA included uninsured/underinsured motorist coverage for one vehicle in the amount of \$25,000.00, on at least 4 vehicles, resulting in a stacked limit of at least \$100,000.00.

16. Mr. Wells qualifies as an insured under the insurance policy issued by Defendant USAA.

17. Pursuant to Mississippi law, the total amount of insurance coverage available to Mr. Wells through the insurance policy issued by Defendant USAA could amount to at least \$75,000.00 not including contractual medical payment coverage.

18. Mr. Wells has satisfied all conditions precedent of the insurance policy issued by the Defendant USAA, to submit a claim for uninsured/underinsured motorist benefits to the Defendant USAA.

19. Tiffany Browning qualifies as an uninsured/underinsured motorist under the definitions contained in the insurance policy issued by the Defendant USAA.

20. Mr. Wells is entitled to uninsured/underinsured motorist benefits from the Defendant USAA.

**PRAYER FOR RELIEF**

**WHEREFORE PREMISES CONSIDERED**, Mr. Wells requests a trial by jury and demands damages including actual, compensatory, consequential, and incidental damages, for serious physical injuries; past, present, and future pain and suffering; past, present and future medical expenses; lost wages; loss of wage earning capacity (loss of future wages) and any other special damages that may be incurred by him, together with attorneys' fees, costs of suit and any further relief as the court may deem proper arising from the negligence of Tiffany Browning.

Mr. Wells also requests a trial by jury for the determination of the amount of uninsured/underinsured motorist benefits owed by Defendant USAA.

Respectfully submitted this 30<sup>th</sup> day of June, 2021.

NELSON WELLS

By:   
SAMUEL F. CREASEY (MSB #99555)

Samuel F. Creasey, Esq. (MSB# 99555)  
MORGAN & MORGAN, PLLC  
4450 Old Canton Road, Suite 200  
Jackson, Mississippi 39211  
Telephone: (601) 949-3388  
Facsimile: (601) 718-2094  
E-mail: [screasey@forthepeople.com](mailto:screasey@forthepeople.com)